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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,881	11/20/2001	Yong San Yoon	64710	9166

27975 7590 11/04/2003

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/04/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,881

Applicant(s)

YOON, YONG SAN

Examiner

Greg Binda

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 21 July 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Applicant elected a constant velocity joint (Group I) with traverse in Paper No. 8.

Response to Amendment

3. The amendment filed Jul 21, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: all entries where the single wire/elongate member has been replaced with first and second wires/elongate members. (The continuous elongate member 500 originally disclosed could have been fixed to pulleys 300 & 301 or shafts 200 & 210 at intermediate point(s) along the elongate member.)

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

4. The proposed substitute drawing sheets filed on Jul 21, 2003 have been **disapproved** because they introduce new matter. The original disclosure does not support the showing of a first elongate member 501 and a second elongate member 502.

Furthermore, these drawings do not comply with 37 CFR 1.84(p)(4) because reference numerals 501a, 502a, 501b & 502b have each been used to identify BOTH a fixed connection

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between a wire and a shaft (see the amended paragraph at page 8, line 19) AND a fixed connection between a wire and a pulley (see the amended paragraph at page 7, line 3).)

5. The drawings filed Feb 20, 2002 are objected to as failing to comply with:

a. 37 CFR 1.83(a) because:

i. They fail to show the elongate member 500 fixedly attached at: (1) predetermined positions on the pulleys 300, 310 as described in the specification on page 7, line 7; and (2) to the inner ends of the first and second shafts 200, 210 as described on page 8, lines 19-21 and recited in claims 23 & 30. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

ii. Figs. 3, 5 & 7A fail to show support frames 400 & 410 as described in the amended paragraph at page 7, line 31 and as recited in claims 24 & 25. This is so because in Figs. 3, 5 & 7A the support frames 400 & 410 appear as C-shaped bars disposed on just one side of the pulleys 300 & 310. Figs. 4, 6 & 7B show the support frames 400 & 410 as wedge-shaped housings having structure consistent with the claims and the description, but inconsistent with Figs. 3, 5 & 7A. These drawings are described as all showing the same embodiment of the disclosed invention and so therefore there should be no inconsistencies amongst them.

b. 37 CFR 1.84(p)(5) because they do not include the following reference sign 250A & 250B which are mentioned in the description on page 7, lines 10, 11 & 29.

Specification

6. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because due to the excessive number of changes made in the specification.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c).

Claim Rejections - 35 USC § 112

7. Claims 16-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 16, 27 & 31 each recite the limitations “a first elongate member” and “a second elongate member”. There does there appear to be a written description of the limitations in the application as originally filed. In the amendment filed Jul 21, 2003, applicant states the limitations are supported by original Figures 4 & 6, but each of those drawings shows only a single elongate member 500.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 20-23, 29 & 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each claim recites the limitation "said elongate member". There is insufficient antecedent basis for this limitation in the claims because no single elongate member is previously identified.

Response to Arguments

10. Applicant's arguments with respect to claims 16-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. As required under MPEP 2163.06, new matter limitations have been considered in making rejections based on prior art. Therefore, applicant should **not** presume the absence of a prior art rejection with regard to claims 16-32 is an indication that these claims would be allowable if rewritten to overcome the rejections under 35 USC 112.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Monday through Thursday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Greg Binda
Primary Examiner
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